

# OPINION

"Seeking to find and publish the truth, that the people of a great state might have a light by which to guide their destiny."

Stella Mann, Tribune publisher, 1939

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**Tribune**

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707 E. Front Ave., Bismarck, N.D. 58504  
letters@bismarcktribune.com

## Editorial Board

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## Little choice but to increase ND Crime Lab pay

North Dakota is discovering the rising cost of fighting crime. It's not because of the losses incurred, but the need to pay the State Crime Lab staff more. Much more.

In a Monday story, Tribune reporter Jack Dura explained the lab has lost eight of 23 employees in the last two years. One North Dakota worker took a job in Georgia that paid \$30,000 more. Meanwhile, two toxicology scientist finalists declined North Dakota job offers because of the pay.

The State Crime Lab forensic scientist annual salaries range from \$48,000 to \$85,704, which may seem like a lot to North Dakotans. Unfortunately, the market is paying more because forensic scientists are in demand.

The staff shortages mean the State Crime Lab can't turn around evidence as quickly as in the past. Sometimes prosecutors need evidence from the lab to proceed with trials. And Attorney General Wayne Stenehjem points out the State Crime Lab can help prove the guilt of a suspect or his or her innocence.

Because of the staffing shortage, the lab eliminated its firearms and latent fingerprint divisions. The South Dakota lab was doing the analyses for North Dakota until it became overwhelmed with work and unable to continue.

Now the State Crime Lab is looking for someone to accept the work. It potentially means an additional cost to North Dakota law enforcement agencies. The state lab doesn't charge agencies for its work. There's a question of who will be responsible for the costs if another party takes over the work.

Law enforcement agencies don't budget for lab work. It's obvious that North Dakota, law enforcement agencies or both are going to have to pay more. "It's become a situation where it's just not sustainable," Stenehjem told the Senate Appropriations Committee last month.

North Dakota doesn't have a choice but to pay more. Whether it's outsourcing the work or paying staff more, the costs are going to rise. Stenehjem asked the Legislature to use \$537,000 of left-over Consumer Protection Refund Fund money to increase lab salaries. That's only a temporary solution.

Stenehjem has also been working with two area universities with science programs in an effort to recruit graduates. It's not likely grads will take a lot less to stay close to home. The state will have to sweeten the pot.

The Tribune editorial board believes the Legislature needs to make the State Crime Lab salaries competitive with the market. The lab also needs to bring back the firearms and latent fingerprint divisions.

It's important the state has a fully functional lab. The lab not only processes the evidence, its staff provide expert testimony at trials. If the work is done elsewhere, then prosecutors will have to pay expert witnesses to provide testimony.

North Dakota will have to pay more to make sure crime doesn't pay.

## REACH CONGRESS

**U.S. Rep. Kelly Armstrong**  
Bismarck phone: 701-354-6700 Washington phone: 202-225-2611

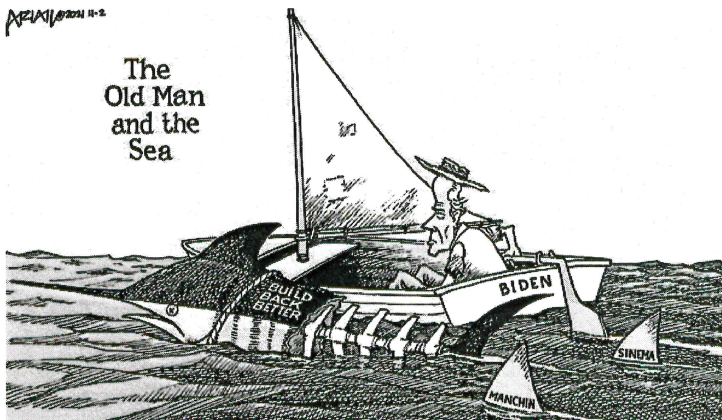
**U.S. Sen. John Hoeven**  
Bismarck phone: 701-250-4618 Washington phone: 202-224-2551

**U.S. Sen. Kevin Cramer**  
Bismarck phone: 701-699-7020 Washington phone: 202-224-2043

## LETTERS & CONTACT INFORMATION

Illustration by H. S.

## The Old Man and the Sea



## VOICES OF THE PEOPLE

### Tell lawmakers to cut property taxes

I want to give a big shout out and a big thank you to all my fellow farmers and ranchers. It's been a real challenging year. We've been through droughts before, but I've never seen one this devastating. We're all in the same boat. We'll pull through, hopefully next year will be better. I've heard different proposals from the governor and Legislature about cutting income taxes. That's a fair tax everybody pays. South Dakota

doesn't have income taxes, but they also pay anywhere from \$20 to \$50 an acre in property taxes. Sure, most of us farmers and ranchers are millionaires on paper but the land can only produce so much. We can't be taxed 10 times more than what it can produce. Property tax is what needs attention. If we can spend \$100 million on a library, we can spend a little on all the counties, especially the less populated ones, to help fix roads and replace dilapidated bridges. Property tax increases aren't always the answer. We have \$10 billion in the Legacy

Fund and \$5 billion in the school trust fund. (That's the money collected from sections 16 & 36.) 75% of property taxes goes to the school district. Roughly \$1 billion would take care of all the school bond referendums resulting in real property tax relief. I want to thank Representative Rick Becker for trying to get this passed, but he needs more help. Call your senators and representatives! Tell them to jump on the bandwagon and support real property tax relief! We need property taxes abolished!

Jared Schmidt, Solen

## Preamble is the Constitution's story

The preamble to the U.S. Constitution, regrettably often overlooked by the citizenry, provides an elegant summation of our nation's constitutional creation story. It speaks of the work of the sovereign people. It represents a direct act of legislation and introduces and forms part of the supreme law of the land, distinct from any and all future laws that will be passed under its authority.



DAVID ADLER

The preamble is a historical and legal colossus. In the Pennsylvania State Ratifying Convention, James Wilson, a leading delegate to the Constitutional Convention, quoted from the essence of the preamble: "We the people of the United States ... do ordain and establish this Constitution." Wilson was trumpeting to the world, the groundbreaking significance of the preamble: We the people are ordaining, that is constituting or creating the fundamental law that will govern the United States. The assertion by the American people of a right to create a government of their choosing was unprecedented in a world dominated for centuries by monarchs, dictators and tyrants.

The framers were not required to wring concessions from British kings and nobles, as their forbears did in drafting the Magna Carta or the English Declaration of Rights. In contrast, Americans were unshackled in the drafting of their Constitution, including a preamble that

was a direct reference to the ratification of the Constitution by the people, an act that conferred authority upon the Constitution. The proposed Constitution could not will itself into existence; as James Madison explained, it had no life until it was ratified by the citizenry.

The preamble boldly declared that the very rationale behind the creation of the Constitution was to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense and secure the blessings of liberty to "ourselves and our Posterity." These stated ends of government, what Edmund Randolph of Virginia called a "philosophy of the ends of government and human politics," reflected the founders' familiarity with a version of the Social Contract Doctrine presented by the 17th Century English philosopher, John Locke.

Americans understood the doctrine to imply a voluntary association of individuals, a social compact by which the "whole" people covenant with each other that all the people shall be governed by the same laws for the common good. This compact was not between the states; after all, states were not parties to the approval of the Constitution. The Constitution, as the founders were fond of saying, referred to "We the people, not we the states."

The drafting of the preamble throughout the summer of 1787 produced no great surprises. Both the Virginia and New Jersey plans featured a modest preamble, expected perhaps because they canvassed and, in many

work on the other provisions of the Constitution. What was missing in the discussions of the preamble, however, were sharp differences of opinion, moments of intense debate. Certainly this provision generated no threats of walkouts from southern delegates, as did their objections to the evolution of the treaty-making power.

The Committee of the Whole, that is the daily meetings of the Constitutional Convention, spent much of the summer discussing various provisions of the proposed Constitution, including a preamble. Again, there was virtually no dissent among the delegates. By August 6, the delegates had dispatched the draft to the Committee of Detail to round some corners and rough edges with the hope of making more progress. The focus, to that point, was on the inclusion of language that the people would "ordain" this Constitution, and that the preservation of the common defense and liberty should be included.

The Committee of Detail worked over the draft for roughly three weeks and then sent it onto the Committee of Style, which included such heavyweights as Madison, Alexander Hamilton, Rufus King and Gouverneur Morris. Scholars agree that the preamble features the elegant, flowing handwriting of Morris, as does the rest of the Constitution.

The preamble should not be a forgotten part of our Constitution. On the contrary, it is poetry, while the rest of the Constitution is mere prose. Indeed, its elegance and lofty ambitions are